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COMMITTEE ON ECONOMIC, SOCIAL
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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the third period report of the Syrian Arab Republic concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.23)

I. GENERAL INFORMATION

1. Please provide information on the measures adopted by the Syrian authorities to comply with the suggestions and recommendations made by the Committee in its concluding observations following consideration of Syria's second periodic report in 1991 (E/C.12/1991/4, paras. 158-194).

II. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. The status of implementation of the Covenant

2. During the consideration of the second periodic report, the government delegation stated that the 1973 Constitution of the Syrian Arab Republic provided the necessary general legal framework for the protection of human rights. Please indicate what steps have been taken since 1991 to further improve the legal system for the protection of economic, social and cultural rights in Syria as set forth in the Covenant, and in particular with regard to the rights of ethnic minorities.

3. Can any of the provisions in the Covenant be invoked before, or directly enforced by, the courts, other tribunals or administrative authorities?

4. Has the State party considered developing a national plan of action for human rights, in accordance with paragraph 71 of the 1993 Vienna Declaration and Programme of Action?

5. What is the position of the State party on the recommendation made by the World Conference on Human Rights concerning the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights?

B. Information and publicity concerning the rights covered by the Covenant

6. To what extent has the State party undertaken measures to instil awareness on the international human rights instruments in general, and on the International Covenant on Economic, Social and Cultural Rights in particular, to Government civil servants, members of security and "paramilitary" forces and, above all, the judiciary?

7. To what extent are human rights integrated into the curricula of schools and universities?

III. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2 (2): Non-discrimination

8. Please provide concrete examples and relevant information with regard to the respect of economic, social and cultural rights of ethnic, religious and linguistic minorities that are living in Syria, as well as with regard to those who are considered as refugees and immigrants.

9. According to various sources, there is persistent discrimination against the Kurds and other minorities, including those who are born in Syria and who consider themselves Syrian, particularly with regard to their nationality and their culture. Please provide information on these ethnic minorities and on how their economic, social and cultural rights are effectively protected by the State party.

Article 3: Equality between men and women

10. Some legislation based on Islamic law, such as criminal law, social security law and inheritance laws, and some traditional practices are still discriminatory against women and girls. Please indicate the steps that have been taken to bring these laws into conformity with the obligations of Syria according to international human rights instruments to which Syria is a party.

11. According to paragraph 104 of the report, the State is studying the Convention on the Elimination of All Forms of Discrimination against Women with a view to accession and ratification. Please provide information as to the status of this process.

IV. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

12. Paragraph 6 of the report contains statistical data on employment and the labour force, including the unemployment rate in 1995. Please provide updated statistical data on trends in unemployment over the past five years, by sex and age groups, and information on the extent of unemployment among various minority groups, ethnic communities and foreigners residing in Syria.

Article 7: The right to just and favourable conditions of work

13. According to some sources of information available to the Committee, the wage increases in the public and private sectors have not kept pace with the rise of the cost of living, which has forced many workers to have second jobs in order to make ends meet. Please provide more updated and detailed information on this issue.

14. Paragraph 37 of the report contains information on working hours, and states that actual working hours are a minimum of six and a maximum of eight hours per day, with a minimum of one day's rest with pay every week. The ILO Committee of Experts on the Application of Conventions and Recommendations, however, has been drawing the State party's attention to the possible abuse of article 117 of the Syrian Labour Code, which contains a reference to a maximum of 11 working hours per day, and therefore recommends the amendment of this provision. Please discuss any action taken by the State party in this respect.

Article 8: Trade union rights

15. According to sources of information available to the Committee, Syrian workers are not free to establish unions independent of the Government, as they require to be associated with the General Federation of Trade Unions (GFTU), which is claimed to be part of the State apparatus, although paragraph 42 of the report states that the GFTU is a non-governmental trade-union organization. Please provide clarification on this issue, particularly on the status of the GFTU.

16. In paragraph 54 of the report, it is reported that the State has avoided the need for workers to resort to strike action by adopting a policy of joint (collective) employment contracts and organization of conciliation and arbitration panels and procedures to settle any collective disputes that arise between workers and their employers. Kindly provide more specific information on the procedures for concluding these contracts and their implementation.

Article 9: The right to social security

17. Please provide statistical data and information concerning old-age, disability, widows' and survivors' pensions, etc. to supplement the information given in paragraphs 59 to 99 of the report. In particular, please provide specific information with regard to the provisions of the

laws and ordinances mentioned in the report. Kindly also provide information on how these laws are applied in practice, as well as statistical data on the number of people who benefit from the various social security services.

18. Please give information on the evolution of pensions in relation to the cost of living during the past five years. In addition, please provide information on the amounts of pensions paid, the requirements of access to social security benefits and pensions, and the differences between the social security benefits in various sectors.

Article 10: Protection of the family, mothers and children

19. Paragraphs 123 to 126 of the report contain information on legislation regarding the employment of young persons. In its concluding observations on Syria in 1997, the Committee on the Rights of the Child noted with concern that the minimum age for employment of children is too low and that children working in family enterprises are not protected by the relevant provisions of Labour Act No. 91 of 1959. Please provide information on whether those recommendations have been taken into consideration by the State party, and whether any measures have been taken to improve the protection of the right of children to health and education.

20. According to paragraph 119 of the report, women are entitled to a family allowance for their children if they are widowed or divorced or if their husbands do not receive a family allowance for their children. Please clarify this statement, particularly whether the allowance received by women is dependent upon having children. In addition, kindly provide more specific information on the situation of financial arrangements for divorced women, as requested in the Committee's concluding observations on Syria's second periodic report.

21. Please provide information on the extent of violence against women, the relevant legal provisions and legal remedies with regard to this phenomenon, including measures to ensure the safety and well-being of victims.

Article 11: The right to an adequate standard of living

22. In paragraphs 149 and 153 of the report, it is said that the State party is taking measures to ensure improved and more appropriate living conditions for its citizens and their families. Kindly provide more detailed statistical information on the occurrence of poverty, as well as on effective measures taken by the State party and the extent of their coverage of ethnic minorities, refugees and immigrants.

23. In paragraph 204 of the report, the State party indicates that there are no homeless persons in Syria. Please provide information on the measures taken and applied by the State party to have achieved this.

Article 12: The right to physical and mental health

24. Please indicate the latest percentage of GNP, as well as of the national budget, allocated to health care and the percentage of these resources allocated to primary health care over the past five years.

25. Insufficient reference is made in the report to sexually transmitted diseases, such as HIV/AIDS. Could the State party kindly provide information on the actual situation of these diseases in Syria?

26. Please provide information on the effective results of the efforts, mentioned in paragraph 231 of the report, to develop and implement projects on local community-based primary health care services, jointly financed by the State and the local community.

27. Could the Government please provide information on the actual situation of mental health, the estimated number of the mentally ill and how, and by whom, they are cared for?

Articles 13 and 14: The right to education

28. What proportions of the national, regional and local-level budgets are allocated to education and what part of that allocation is devoted to the provision of compulsory primary education over the past five years?

29. Please provide information on the situation of other ethnic minorities, in particular the Armenians, the Jews and the Turks, with regard to the enjoyment of their right to education.

30. Please provide information on the extent to which academic freedom is guaranteed by the State party and is enjoyed by the academic community in the State party.

31. Kindly provide more information on the following issues concerning the teaching staff: what is the position of teachers in the general wage scale structure? What are the material conditions provided to teaching staff? What is the situation of teachers compared to five years ago?

Article 15: The right to take part in cultural life and to participate in the benefits of scientific progress

32. Alternative sources of information report a systematic limitation of Kurdish culture and of Kurds' possibilities to engage in cultural activities, such as the prohibition on speaking and publishing materials in the Kurdish language, and producing Kurdish music. Please clarify this issue.

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